

Plaintiff's Name DAVID Pierre-Jones

Inmate No. BL8033

Address P.O. Box 5248 Corcoran, Ca  
93212

**FILED**

NOV 01 2023

CLERK U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

David Pierre-Jones

(Name of Plaintiff)

1:23-cv-01372-ADA-SKO-

(Case Number)

vs.

I. Campos (Badge no. 86971)

A. Placencia (Badge no. 92948)

(Names of all Defendants)

**AMENDED CIVIL RIGHTS COMPLAINT UNDER:**

☒ 42 U.S.C. 1983 (State Prisoner)

☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

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**I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):**

A. Have you brought any other lawsuits while a prisoner? Yes \_\_\_\_\_ No ✓

B. If your answer to A is yes, how many? \_\_\_\_\_

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

**1. Parties to this previous lawsuit:**

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

**2. Court (if Federal Court, give name of District; if State Court, give name of County)**

3. Docket Number \_\_\_\_\_ 4. Assigned Judge \_\_\_\_\_

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

## II. Exhaustion of Administrative Remedies

**NOTICE:** Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No ☐

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No ☐

C. Is the process completed?

Yes ☒ If your answer is yes, briefly explain what happened at each level.

CDCR provided me with an "Allegation of Staff Misconduct" decision. It was also determined through CDCR that such a decision exhausted my administrative remedies. 12/5/22

No ☐ If your answer is no, explain why not.

## III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name I. Campos is employed as correctional officer  
Current Address/Place of Employment California Department of Correction S/Rehabilitation  
SATF-Corcoran

B. Name A. Placencia is employed as Correctional officer

Current Address/Place of Employment CDCR SATF-Corcoran

C. Name \_\_\_\_\_ is employed as \_\_\_\_\_

Current Address/Place of Employment \_\_\_\_\_

D. Name \_\_\_\_\_ is employed as \_\_\_\_\_

Current Address/Place of Employment \_\_\_\_\_

E. Name \_\_\_\_\_ is employed as \_\_\_\_\_

Current Address/Place of Employment \_\_\_\_\_

**IV. Causes of Action** (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

**Claim 1:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

My right to freedom from cruel and unusual punishment was violated.  
Guaranteed by the 8th Amendment of the U.S. Constitution.

**Supporting Facts** (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

1. On December 1st, 2022 Officer's I. Campos and A. Placencia were  
working as Correctional Staff on Facility E's designated responder  
personnel.

2. Both officers assisted in an escort of the plaintiff from the  
plaintiff's housing unit to Facility E's program office. Plaintiff was  
in handcuff restraints with his ~~both~~ hands behind his

back. Plaintiff walked cooperatively with the escort into facility E's Program Office. Once inside, Officer A. Placencia stopped the plaintiff and pushed him against the wall. Officer I. Campos was heard telling the plaintiff to "stop resisting." Plaintiff did not react to officer's demand because plaintiff was already compliant with the staff's requests. Officer I. Campos pulled the plaintiff into the middle of the hallway and told him to "walk." The plaintiff took two steps forward and was then slammed onto the floor by officer I. Campos. Officer A. Placencia landed on the plaintiff at the same time. The plaintiff's rib cage began to throb with pain. Plaintiff let the officer know he wasn't doing anything wrong. Both defendants did not follow CDCR's "Use of Force Policy."

**Claim 2:** The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

**Supporting Facts** (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

**V. Relief**

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

The plaintiff seeks judgement against the defendants in the amount of 24,500. For punitive and compensatory damages. The defendants are sued in their "Individual Capacity."

I declare under penalty of perjury that the foregoing is true and correct.

Date: 10/27/23

Signature of Plaintiff: CPierre